

REMARKS

In response to the Final Office Action dated 10/16/2008, claims 1-6 have been amended. Support for the amendment concerning the control of waste heat can be found, for example, on page 37, lines 2 to 24. Support for the amendment concerning the supplying path is found, for example, in figure 1.

35 U.S.C. § 112, first paragraph

Claims 1, 4-6, 12-15, and 24-35 have been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. The Examiner has asserted that the claims and specification do not enable one of ordinary skill in the art to make or use a device where exhaust gas recycling occurs between a first fuel cell stack and a second fuel cell stack. Applicant's respectfully traverse.

Without remarking on the merits of the rejection, claims 1 and 4-6 have been amended to clarify the pathway for supplying the exhaust gas between the first power generating means and second power generating means through the converting means and oxidizing means. Such a supply pathway is shown, for example in Figure 1, where the anode exhaust gas (items 25 and 27) passes through the converting and oxidizing means. Given this disclosure, one of ordinary skill would be able to make a device where the anode exhaust gas containing unreacted hydrogen from the first power generating means is supplied to the second power generating means through said converting means and said oxidizing means. Therefore, Applicant respectfully requests the rejection be withdrawn.

35 U.S.C. § 112, second paragraph

Claims 1, 4-6, 12-15, and 24-35 have been rejected under 35 U.S.C. § 112, second paragraph for lack of antecedent basis for the terms "first fuel cell stack" and "second fuel cell stack." The claims have been amended to state "first power generating means" and "second power generating means." Therefore, we respectfully request the rejection be withdrawn.

35 U.S.C. § 103

Claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Xu (US 6,551,732) in view of Morimoto et al. (US 5,221,586).

Claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Xu (US 6,551,732) and Morimoto et al. (US 5,221,586) in view of Gagnon (US 4,098,960).

Claims 12-19, and 24-31 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Xu (US 6,551,732) and Morimoto et al. (US 5,221,586) in view of Scheffler et al. (US 4,859,545).

Claims 20,21-23 and 32-35 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Xu (US 6,551,732) and Morimoto et al. (US 5,221,586) and in view Gagnon (US 4,098,960) and further in view of Scheffler et al. (US 4,859,545).

Applicant's respectfully traverse based on the present amendment. As amended, the claims require that the amount of waste heat is controlled so as to be reduced if amount of reformed gas supplied increases, and increased if the amount of reformed gas supplied decreases. As a result, the oxygen utilization ratio at the cathode **56** is controlled appropriately and hence a reformed gas containing hydrogen is efficiently produced at the reformer by steam reforming reaction. Neither Xu nor Morimoto et al. individually or in combination teach or suggest such a feature.

Neither Gagnon nor Scheffler et al. remedy the deficiency of Xu and Morimoto et al. Neither reference teaches nor suggests the control of the waste heat so as to be reduced if amount of said reformed gas supplied increases, and so as to be increased if the amount of said reformed gas supplied decreases. Therefore, since claims 12-35 depend from claims 1-6, they are likewise distinct from the references cited. Applicant respectfully requests the rejections be withdrawn.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance. Applicants believe that a full and complete reply has been made to the Office Action and as such the present application is in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowance indicating the allowability of claims 1-6 and 12-35. If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the hereby is invited to telephone undersigned counsel at the number provided.

Prompt and favorable reconsideration is respectfully requested.

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Respectfully submitted,

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